

The Estate of Traci Prickett filed a wrongful death claim during the month of November, 2000, in the amount of \$500,000 as the result of a motor vehicle accident allegedly related to an attempt by Lincoln police to apprehend the driver of one of the vehicles in the accident. This claim is under review and is **PENDING**.

Cindy Schumacher filed a claim during the month of December, 2000, in the amount of \$500,000 for alleged injury incurred when claimant was allegedly struck by a water bottle that was thrown into the stands by a cheerleader at a Lincoln Lightning football game at Pershing Auditorium. This claim has been referred to the insurer for Pershing Auditorium and is **PENDING**.

Robert Blankenship filed a claim during the month of December, 2000, in the amount of \$950,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Jason Blair filed a claim during the month of December, 2000, in the amount of \$1,000,000 for injuries incurred as the result of a motor vehicle accident which was allegedly related to a police chase. This claim is under review and is **PENDING**.

Larry Robertson filed a claim during the month of December, 2000, in an unspecified amount for alleged damage incurred to his vehicle when it was struck by snow removal equipment. This claim is under review and is **PENDING**.

Husker Cabs Inc. filed a claim during the month of January, 2001, in the amount of \$1,897.04 for alleged damage incurred to vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

Wayne H. Hahn filed a claim during the month of January, 2001, in the amount of \$1,049.40 for damage allegedly incurred to his rental property as the result of the execution of a "no knock" search warrant by Lincoln police. This claim was reviewed by the City Council on April 9, 2001. Claimant has accepted the Council's recommended settlement in the amount of \$808.20.

The Estate of J. Michael Lawlor and Sue Lawlor filed claims during the month of February, 2001, in unspecified amounts alleging negligence by Lincoln Fire Department personnel in their care and treatment of J. Michael Lawlor. These claims are under review and are **PENDING**.

Michael A. Miller filed a claim during the month of February, 2001, in the amount of \$391.24 for damage allegedly incurred to his vehicle as the result of an accident involving a City-owned vehicle. This claim has been referred to the City's fleet carrier and is **PENDING**.

Anita Scofield filed a claim during the month of February, 2001, in the amount of \$476.86 for damage incurred to her vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

Peoples Natural Gas filed a claim during the month of February, 2001, in the amount of \$429.03 for damage incurred to vehicle when it was allegedly struck by a City snow plow. This claim has been referred to the City's fleet carrier and is **PENDING**.

Charlene Dawn Mathews-Forke filed a claim during the month of March, 2001, in an unspecified amount for vehicle and claimed property which claimant alleges was improperly sold at police auction. This claim is under review and is **PENDING**.

Chris Nielsen filed a claim during the month of March, 2001, in the amount of \$75,000 alleging false arrest. This claim is under review and is **PENDING**.

John Rausch filed a claim during the month of March, 2001, in an unspecified amount for damage allegedly incurred to his vehicle's windshield wiper when an officer placed a parking violation under it. This claim is under review and is **PENDING**.

Sharon Mitchell filed a claim during the month of March, 2001, in an unspecified amount for damages allegedly incurred as the result of a pothole in an alley. This claim has been reviewed by this office and has been **DENIED**.

Scott and Simone Vampola filed a claim during the month of April, 2001, in the amount of \$22,475.54 for alleged damages incurred as the result of a sanitary sewer back-up at 4211 Southgate Blvd. This claim is under review and is **PENDING**.

Alan and Gretchen Morrison filed a claim during the month of April, 2001, in the amount of \$945.46 for damages allegedly incurred to their vehicle as the result of fallen tree limbs. This claim has been reviewed by this office and has been **DENIED**.

William Mann filed a claim during the month of April, 2001, in the amount of \$25,000 for alleged damages incurred when claimant was a passenger in an ambulance that was involved in an accident. This claim has been referred to the City's fleet carrier and is **PENDING**.

Kevin and Jane Goertzen filed a claim during the month of April, 2001, in the amount of \$693.00 for damage allegedly incurred to their mailbox as the result of snow removal activity. This claim has been referred to the City's fleet carrier and is **PENDING**.

Sheena Hines filed a claim during the month of April, 2001, in the amount of \$1,247.63 for alleged damages incurred to her vehicle when it was allegedly struck by a StarTran bus. This claim is under review and is **PENDING**.

Duane J. Ourada filed a claim during the month of April, 2001, in the amount of \$47.00 for damage allegedly incurred to mailbox as the result of snow removal activity. This claim has been reviewed by this office and has been **ALLOWED**.

Steve Hawkins filed a claim during the month of April, 2001, in an unspecified amount for alleged damage incurred to lawn as the result of snow removal activity. This claim is under review and is **PENDING**.

Scott A. Horky filed a claim during the month of April, 2001, in the amount of \$289.56 for alleged damage incurred to tires when claimant allegedly drove his vehicle through tar at a street construction site. This claim has been reviewed by this office and has been **DENIED** for the reason that the incident occurred outside the city limits.

James D. Watts filed a claim during the month of April, 2001, in the amount of \$101.30 for alleged damage incurred to his vehicle when it was parked near a street construction site. This claim has been referred to the contractor for disposition, and therefore, the claim against the City of Lincoln has been **DENIED**.

CLAIMS FILED MAY 1 THROUGH MAY 15, 2001:

Theodore R. Wilcox filed a claim in the amount of \$100,000 for alleged injury incurred when he allegedly fell in a hole after exiting a StarTran bus. This claim is under review and is **PENDING**.

Jennifer L. Berner filed a claim in the amount of \$740.96 for alleged damage incurred to her vehicle when it was parked near a street construction site. This claim has been referred to the contractor for disposition, and therefore, the claim against the City of Lincoln has been **DENIED**.

David McQuinn filed a claim in the amount of \$15,000 for alleged injury incurred when he allegedly stepped in a hole in the street in front of his residence. This claim is under review and is **PENDING**.

Mary Haake filed a claim in the amount of \$58.56 for alleged damage incurred to her shoes when she stepped on wet tar in the parking lot at Antelope Park. This claim is under review and is **PENDING**.

Lyman Taylor filed a claim in the amount of \$397.00 for damage to fence as the result of a fallen tree. This claim is under review and is **PENDING**.

Martha A. Gibbens filed a claim in an unspecified amount for damage incurred to her vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

Robert and Brenda Dykeman filed a claim in the amount of \$1,102.46 for damage incurred to their vehicle as the result of an accident involving a StarTran bus. This claim is under review and is **PENDING**.

Todd D. Hill filed a claim in the amount of \$150.00 for alleged damage incurred to lawn as the result of snow removal activity. This claim is under review and is **PENDING**.

Farmers Mutual of Nebraska (Christine S. Wittmuss, Insured) filed a claim in the amount of \$2,125.58 for damage incurred to Insured's property at 1545 Stockwell as the result of a sanitary sewer back-up. This claim is under review and is **PENDING**.

PENDING TORT LITIGATION:

Weston F. & Betty Benjamin filed a claim during the month of July, 1994, against the City of Lincoln d/b/a Lincoln General Hospital for alleged injuries incurred when a nurse allegedly improperly placed an intramuscular injection in Mr. Benjamin's hip. This claim has been referred to Lincoln General Hospital's insurance carrier. Counsel for claimant filed a petition in the Lancaster County District Court on May 30, 1996. Neil Danberg is the attorney assigned by Phico Insurance Company to undertake the defense of this case for the City of Lincoln d/b/a/ Lincoln General Hospital. On March 16, 2000, District Court Judge Bernard J. McGinn awarded \$872,615 to Weston Benjamin. This case has been appealed to the Nebraska Court of Appeals and is **PENDING**.

Bill L. and Becky A. Ocker filed a claim during the month of May, 1997, against the City of Lincoln d/b/a Lincoln General Hospital in the amount of \$2,500,000 for damages incurred as the result of alleged negligence by employees and agents of Lincoln General Hospital in failing to meet the applicable standard of care in the labor of Becky Ocker and the delivery of McKenzie Ocker resulting in permanent injuries to McKenzie Ocker. A claim in the amount of \$7,500,000 has also been filed on behalf of McKenzie Mae Ocker, by and through her parents and next friends, Bill L. and Becky A. Ocker. These claims were referred to Phico Insurance Company, which is the hospital's liability carrier. Counsel for claimants filed two petitions in the Lancaster County District Court on November 25, 1997, captioned Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and McKenzie Ocker, by and through her parents, Bill Ocker and Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and Donald Gibbens. Mark Christensen is the attorney assigned by Phico Insurance Company to undertake the defense of these cases for the City of Lincoln d/b/a Lincoln General Hospital. The case of Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital was dismissed with prejudice on February 7, 2000. The case of McKenzie Ocker, by and through her parents, Bill Ocker and Becky Ocker v. City of Lincoln d/b/a Lincoln General Hospital and Donald Gibbens is **PENDING**.

Teri and Matthew Juranek filed a claim during the month of June, 1998, in the amount of \$40,000 for alleged damages incurred as the result of an accident involving a Lincoln police vehicle. Counsel for claimants withdrew his clients' claim and filed a petition in the District Court of Lancaster County on May 25, 1999. Litigation is **PENDING**.

George Sadd filed a claim during the month of February, 1999, in the amount of \$1,000,000 for alleged injuries sustained when he fell while jogging on the Murdock Trail. Counsel for claimant withdrew his client's claim on September 3, 1999, and filed a petition in the Lancaster County District Court. Litigation is **PENDING**.

Mary Owens, Personal Representative of the Estate of Richard R. Owens, filed claims for damages arising from the hospitalization and subsequent incarceration of the deceased, Richard R. Owens. The claim against Lincoln General Hospital was referred to the new owners of the hospital. The claim concerning the deceased's incarceration was reviewed by this office and denial was approved by the City Council on August 31, 1998. Petitions have been filed in the Lancaster County District Court and litigation is **PENDING**.

Woo Yol Chung filed a claim during the month of March, 1999, in the amount of \$1,000,000 for injuries incurred while working in the Lincoln-Lancaster County Hall of Justice and Law Enforcement Center. This claim was addressed to the Lincoln City Council, but the claim itself is a claim against the Lincoln-Lancaster County Public Building Commission. Counsel for claimant, by letter of June 2, 1999, asserted that his client has filed a claim against the City of Lincoln. Counsel for Mr. Chung was advised that the alleged claim has not been filed against the City of Lincoln and it was recommended to the Lincoln City Council not to consider the March 2, 1999, letter nor the June 2, 1999, letter. On November 16, 1999, counsel for Mr. Chung filed a petition in the Lancaster County District Court against the City of Lincoln, County of Lancaster, Lincoln/Lancaster County Public Building Commission, and Builders, Inc. Litigation is **PENDING**.

Raymond J. Koziol, Personal Representative of the Estates of LeAnn M. Koziol, Kevin J. Koziol, Aaron J. Koziol, and Raymond J. Koziol, individually and as father and next friend of his minor children, Matthew R. Koziol and Brian L. Koziol, filed claims on April 13, 1999, in an amount totaling \$5,100,000. These claims involve an automobile accident that occurred on April 15, 1998, at the intersection of 70th

& Pine Lake Road. Claimant alleges that the proximate cause of the accident was the presence of construction equipment which was parked next to the roadway and allegedly prevented LeAnn Koziol, who was the driver of the family's van, from seeing the stop sign. T.J. Osborn Construction was contracted by the City of Lincoln to conduct the work that was being performed at 70th & Pine Lake Road. This claim was withdrawn by claimant's counsel on October 21, 1999. On March 24, 2000, counsel for Mr. Koziol filed five separate petitions in the Lancaster County District Court against T.J. Osborn Construction Company, the County of Lancaster and City of Lincoln, Nebraska. Litigation is **PENDING**.

Alan Patocka filed a claim during the month of July, 1998, in an unspecified amount for alleged injuries incurred when he fell out of his wheelchair on a StarTran bus. This claim was withdrawn by counsel for claimant on March 6, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2000. Summons and petition were served upon the City of Lincoln on June 23, 2000. Litigation is **PENDING**.

The Estate of Rachel Quintana and her children, Catalina Quintana, Thomas Quintana, Randy Quintana, Samuel Quintana, Felisa Quintana, and Victoria Gallegos, filed a claim in the amount of \$500,000 during the month of November, 1999, for damages incurred when Rachel Quintana fell from her wheelchair while exiting a StarTran Handivan. Counsel for claimants withdrew his clients' claim on July 6, 2000, and filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Sharon and Larry Zweerink filed claims in the amounts of \$250,000 for Sharon Zweerink and \$100,000 for Larry Zweerink during the month of July, 1999, for damages incurred as the result of Sharon Zweerink's fall on a City sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimants filed a petition in the Lancaster County District Court on July 20, 2000. Litigation is **PENDING**.

Gail P. Frasier filed a claim during the month of December, 1999, in an unspecified amount for alleged injury incurred as the result of falling on a sidewalk. This claim was reviewed by this office and denial was approved by the City Council on January 20, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on September 25, 2000. Plaintiff prays for special damages in the amount of \$13,500 and general damages. Litigation is **PENDING**.

Brian Harman filed a claim during the month of October, 1999, in an unspecified amount for alleged injuries incurred as the result of a motor vehicle accident involving a City-owned vehicle. Claimant was a passenger in a vehicle that was rear-ended by a City-owned vehicle. This claim was referred to the City's fleet carrier. Counsel for claimant withdrew his client's claim on October 6, 2000, and filed a petition in the Lancaster County District Court on October 9, 2000. Plaintiff prays for special damages in the amount of \$2,500 and general damages. Litigation is **PENDING**.

Lori J. Shipferling filed a claim during the month of August, 1997, in an unspecified amount for injury incurred when claimant stepped onto an alleged defective meter vault lid. This claim was reviewed by this office and denial was approved by the City Council on March 16, 1998. Ms. Shipferling filed suit in the Lancaster County District Court against Gale and Carolyn Cook, the owners of the property where the meter vault is located, and the Cooks have filed a Third Party Petition against the City of Lincoln. Litigation is **PENDING**.

Mark Hundley filed a claim during the month of May, 2000, for damages incurred when he was struck by a rock while riding his motorcycle. Claimant alleges the rock was thrown from a City mowing machine. This claim was reviewed by this office and denial was approved by the City Council on July 31, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on December 1, 2000. Plaintiff prays for special damages in the amount of \$979.92 and general damages. Litigation is **PENDING**.

Dawn R. McFarland filed a claim during the month of June, 2000, in the amount of \$6,888.00 for alleged damages incurred as the result of a fallen tree. Denial of this claim was approved by the City Council on October 25, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on January 19, 2001. Plaintiff prays for special damages in the amount of \$6,828.50 and general damages in the amount of \$15,000. Litigation is **PENDING**.

Sandra Stodola filed a claim during the month of October, 2000, in an unspecified amount for injury allegedly incurred when she tripped on a sidewalk. Denial of this claim was approved by the City Council on February 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on February 1, 2001. Litigation is **PENDING**.

David E. Hawkins filed a claim during the month of March, 2000, in the amount of \$60,717.03 for alleged damages incurred as the result of a sanitary sewer back-up at his residence at 5336 Knox. Denial of this claim was approved by the City Council on August 28, 2000. Counsel for claimant filed a petition in the Lancaster County District Court on March 2, 2001. Litigation is **PENDING**.

Scott Williams filed a claim during the month of September, 2000, in the amount of \$75,000 for injuries incurred when he fell off bleachers during a Lincoln Lightning football game at Pershing Auditorium. Counsel for claimant withdrew his client's claim and filed a petition in the Lancaster County District Court on March 15, 2001. Litigation is **PENDING**.

Dale S. Nelson filed a claim during the month of October, 2000, in the amount of \$1,000,000 for alleged damages incurred as the result of a motor vehicle accident. Claimant alleges that the accident was the result of a police pursuit of a vehicle which struck his vehicle. Counsel for claimant withdrew his client's claim on May 2, 2001, and filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Summer P. Thomason filed a claim during the month of August, 2000, in the amount of \$1,000,000 for damages incurred as the result of a motor vehicle accident involving a vehicle driven by claimant and a vehicle driven by Teresa Zuerlein, a Health Department employee. This claim was referred to the City's fleet carrier and was denied. Denial of this claim was approved by the City Council on March 5, 2001. Counsel for claimant filed a petition in the Lancaster County District Court on May 3, 2001. Litigation is **PENDING**.

Respectfully submitted,

James D. Faimon
Assistant City Attorney

JDF/skb
c: Risk Management